App. No. 09/830,232
Office Action Dated June 9, 2004

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. The Specification, the Figure, and Claims 1-8 are hereby amended. No new matter has been added.

The Single Figure was amended to show the input $x_k(n)$ to Antenna 2. The figure was additionally amended with a frame of dotted lines to hightlight the elements of 11 and 12 being functionally tied together.

Claim 6 and 8 were rejected under 35 U.S.C. 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 6 (erroneously sited as claim 5 in office action), the claim recites "a single module" in line 6. The Examiner considers that the "single module" is equivalent to the means for the combination. The inventor refutes this argument as this "single module" not only comprises the means for the combination, but also the decoding means. Specifically, the "single module" comprises both elements 11 and 12 shown on the single figure. The figure has been modified with dotted lines to highlight this relationship. Regarding claim 8, it has been amended to set forth as a method, dependent on claim 1.

In the Office Action, the Examiner indicated that claims 1, 2 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumasa (US 6,058,138) in view of Khayrallah (US 6,574,293). The applicant has chosen to amend claims 1 and 7 to overcome this rejection. The amended claims state that the adapted confidence information element is computed "as a sum of" said path confidence information elements (versus "as a function of"). These amendments bring claims 1 and 7 into further accordance with claim 4, which the Examiner has considered as allowable. Claims 2, 5-6, and 8 should be reconsidered allowable based upon dependency to claim 1. The Examiner considers that Fukumasa discloses all the features of claim 1, except for the weighted-input decoding means. The applicant refutes the similarity. The technique taught by Fukumasa is of the Maximum Ratio Combination (MRC) type, which was previously referenced as prior art. More precisely, the "combining means" (13, 24) in Fukumasa differ from the combining means in claim 1 in that they do not deliver an adapted confidence information element, but only an estimated received signal. Fukumasa does not teach a

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weighted-input decoding means at the output of the combining means. The Examiner considers that Khayrallah teaches the use of a weighted-input decoder at the output of the Fukumasa combining means. The applicant refutes this argument. The Fukumasa combining means does not deliver an adapted confidence element, obtained by summing the confidence information element for each path.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions regarding this communication can be directed to the undersigned attorney, John J. Gresens, Reg. No. 33,112, at (612)371-5265.
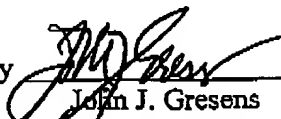
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Respectfully submitted,

MERCHANT & GOULD P.C.

P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Dated: October 7, 2004

By _____
John J. Gresens
Reg. No. 33,112

JJG:mfe

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